

# Notice of Allowability

Application No.

09/901,421

Applicant(s)

BARCLAY ET AL.

Examiner

Aravind K. Moorthy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/27/07.
2. ☒ The allowed claim(s) is/are 1-25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

1. This is in response to the Appeal Brief filed on 27 July 2007.
2. Claims 1-25 are pending in the application.
3. Claims 1-25 have been allowed.

#### ***Response to Arguments***

4. Applicant's arguments, see the appeal brief, filed 27 July 2007, with respect to claims 1-25 have been fully considered and are persuasive. The rejection of the claims has been withdrawn.

#### ***Allowable Subject Matter***

5. Claims 1-25 are allowed.

The following is an examiner's statement of reasons for allowance:

The current application is directed towards a method and apparatus for preventing radio communication system access by an unauthorized modem. The apparatus comprises a signal detector that determines if an authorization signal has been received from the base station within a specified period of time. The authorization signal authorizes the apparatus to communicate with the base station. A transmitter transmits information to the base station, and a controller disables the transmitter of the apparatus providing that the authorization signal has not been received within the specified period of time.

Independent claims 1, 8 and 18 are directed towards determining if an authorization signal has been received from a base station at the a user terminal within a specified period of time for the transmission of the authorization signal, the authorization signal authorizing the user

terminal to communicate with the base station; and disabling the transmitter of the user terminal providing that the authorization signal has not been received within the specified period of time.

The closest prior art to the current application was Jou et al U.S. Patent No. 6,480,472 B1 (hereinafter Jou). Jou is directed towards a method and apparatus for supervising a dedicated control channel when in the discontinuous transmission mode. The mobile station monitors the frames it receives from a base station and maintains a counter of bad, good, and empty frames, referred to as COUNT1, COUNT2, COUNT3, respectively. If a received frame is a good frame, COUNT1 is reset to zero and COUNT2 is incremented. If the received frame is a bad frame, COUNT1 is incremented and COUNT2 is reset to zero. If the received frame is an empty frame, COUNT1 and COUNT2 are unchanged but COUNT3 is incremented. A transmitter coupled to the mobile station is enabled or disabled depending upon which, if any, of the COUNTs reaches or exceeds a designated threshold value. In another embodiment, an average aggregated value reflecting the strength of the pilot signals in an active set, measured at the mobile station, is used for comparison to a threshold.

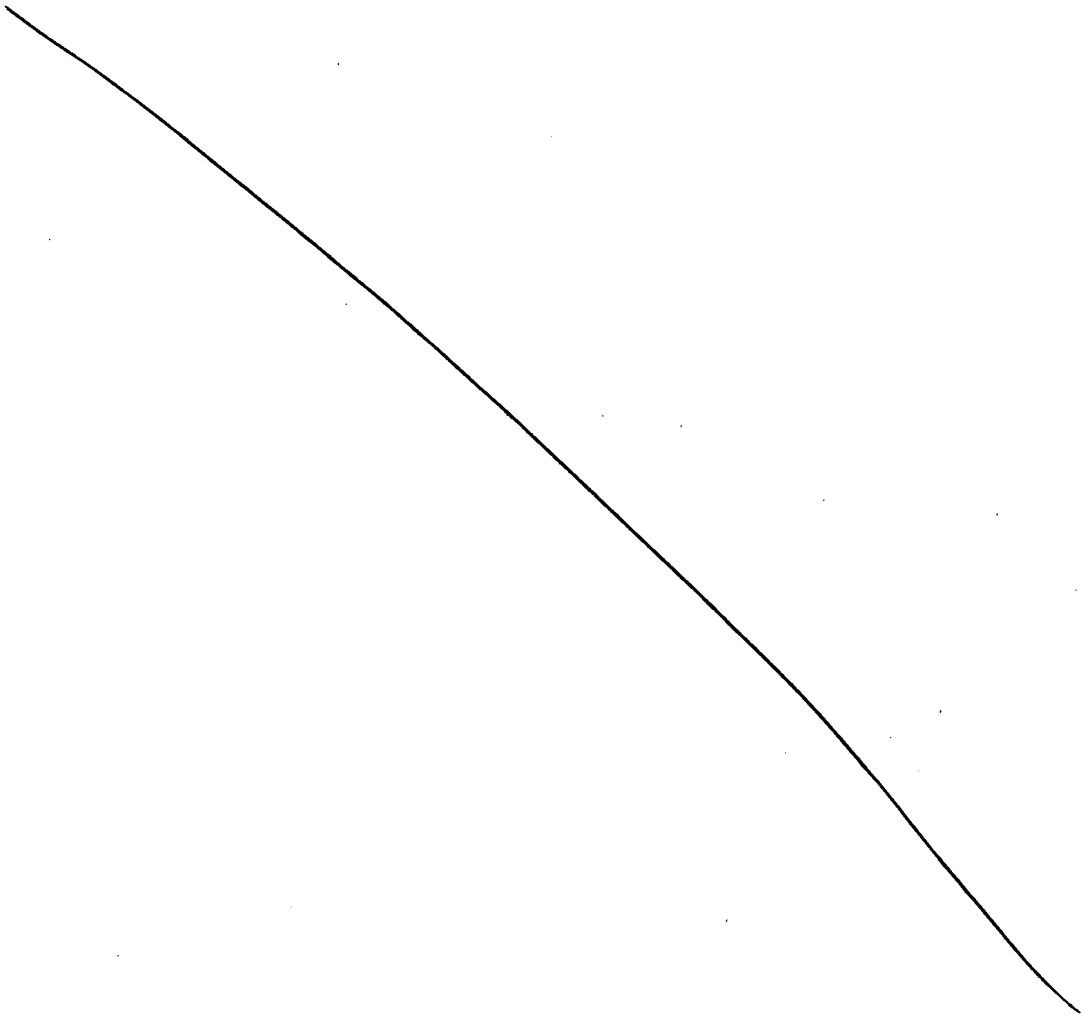
However, Jou differs from the current application. Jou discloses the aggregated Ec/Io is averaged over certain specified time intervals. If the average aggregated Ec/Io is below a threshold THx for a first time period (for example, 220 ms), then the mobile station will disable its transmitter. Thereafter, if the average aggregated Ec/Io is above a threshold THx for a second time period (for example, 40 ms), then the mobile station will re-enable its transmitter. However, if the average aggravated pilot Ec/Io remains below the threshold THx for a much longer third time period (for example, 5 seconds), then the mobile station will disable its transmitter, if not already disabled, and declare a loss of the Forward Traffic Channel (i.e.,

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terminate the call.) Although suggested lengths for the time periods are given, the time periods are adaptive, and may be longer or shorter in duration depending upon the application [column 8 line 65 to column 9 line 13]. The  $E_c/I_o$  is the signal to noise ratio of the received pilot symbols. The received signal is not an authorization signal that authorizes the user terminal to communicate with the base station.

Any claims not directly addressed are allowed on their virtue of dependency.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."



*Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aravind K Moorthy *AM*  
October 23, 2007

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